1:Barnes E-5 (1946-1949)1954 FR5 Ngoni FR5
Mpezeni

619 631 brought more support for his lord; but as the segment expanded his chances of setting himself up as a chief increased and his loyalty became less certain. Thus the appeal to armed force came only as one phase in a general struggle for power carried on simultaneously at many different levels and by a variety of methods. The conflicting ambitions of each lord, each a potential rival of the State, [669] combined to maintain the State and to reduce the likelihood of successful fission.

692 643 681 631 The conflict between identification with one's lord and differentiation from him, between what Fortes has called the centripetal and centrifugal forces in a segmentary society, is brought out clearly in the enforcement of the death penalty. Wiese implies that only the Paramount Chief had the legal power to sentence adulterers to death and that this offence was the ground for the [684] majority of death sentences.[46] However, my own informants stated that senior lieutenants did sometimes sentence people to death without referring the matter to the Paramount Chief. The Chief would later come to hear of an incident of this kind and would then either praise the lieutenant for acting in the interests of the Chief and for ruling his people well, or else abuse him for usurping the powers of the Chief and warn him to be more careful in future. A successful lieutenant might establish his own major segment and eventually his own State; but if he moved in this direction prematurely he was likely to be killed for treason. [687] This same inherent conflict exists to-day, albeit with different groupings and different sanctions.

7. *Stability*

611 619 178 The most striking differences between the residential system and most lineage systems were the high rate of segmentation, and the flexibility of the system. Segmentation in a lineage system depends basically on the unalterable processes of human reproduction and maturation. Until a man's children become adults his agnatic segment cannot split. The Ngoni, by recruiting many [161] of their members when they were already grown up, were able to increase their population at a prodigious rate and with it the degree [597] of segmentation of the State. As the Ngoni army increased in size, so it became easier for them to capture more people, so that what we may describe as an inflationary spiral in population was set up. The Ngoni State was like a snowball which grows larger and larger as it is pushed from place to place, but still remains uniform throughout. At last it becomes unwieldly and must be broken

[46] Wiese, 'Expedição', pp. 471-2, and 'Geschichte', pp. 189-90.

1:Barnes E-5 (1946-1949)1954 FR5 Ngoni FR5
Mpezeni

kind are referred to the Administration, it may sometimes act in the way desired by the chief and his lieutenants. Thus a chief once discovered his wife in bed with a lover. The man was eventually caught, and there were some who urged that he be hanged right away, for no one would tell the Administration about the matter. However, more cautious counsels prevailed, the incident was referred to the Administration, and the man was sentenced, in accordance with the wishes of the chiefs and their lieutenants, to three months' imprisonment. On his release, he was escorted from Ngoniland by a chief. Later the man returned, only to be driven out again. The Administration is concerned with upholding the position of chiefs, and in situations of this kind may regard, say, adultery with a chief's wife as more heinous that with a commoner's wife. On the other hand, the Administration cannot be relied on to give its support automatically, and for this reason chiefs and lieutenants may decide to act without reference to it. The Administration has even on occasion awarded damages to a commoner against the Paramount Chief.

It is perhaps significant that a minor chief whose county contained a comparatively large number of villages from the segments of other counties and whose claims to the county chieftainship was disputed decided to hold a meeting to discuss county affairs not at his court or at his village but at the capital of the county. He may have hoped to quell dissension by emphasizing the links with the pre-conquest past shared by the majority of his people.

Now that chiefs and others have begun building in burnt brick, it may be that newly acceded chiefs may not find it so easy to found their own villages. At the same time the policy of building other public buildings in brick, such as treasuries and the proposed welfare halls, in the vicinity of existing courts, may give increased importance to the Native Authority centre. Already there have been one or two attempts at opening shops near the courts to cater for the needs of litigants, and it seems likely that the effective social centre of the county will in future be the site of the Native Authority rather than the capital village or the home of the chief.

8. *Politics and the courts*

The day-to-day work of the court takes up much of the time of chiefs, assessors, and senior lieutenants of the chief. General discussion of Ngoni law lies outside the particular theme of this book, but we are here concerned with the courts in so far as they form part of the political system of the tribe. That there is a close connexion

643 682 all their things. Even when the Paramount agreed that a man should be killed he ordered that all his possessions were to come to him, stock, slaves, wives and children. These were called *izixi zenkosi*, the things of the Paramount, and they were divided among the houses of the Paramount, and the master of the man killed got nothing. This was done to teach the fathers of the villages that they should not sentence their people to death because they coveted their goods or people. The Paramount taught them by taking all the belongings of the one killed and they got nothing. Of course the Paramount's and chiefs' villages grew quickly in this way. At the beginning the punishment for adultery and murder was death; in adultery both the man and the woman were killed. Beginning from the time of Mbelwa and Mtwalo the penalty for adultery has been changed. The man who did it was despoiled of his goods or paid compensation. The courts agreed that any man wronged by such adultery could go with a war-party to the village of the guilty man and take what he wanted, but not kill any person. The Paramount took no notice of such an affair.

● 684 178

671 No account of the conduct of cases in Ngoni courts would be complete without reference to the popular interest in and support for the law. After a day in the courts the *izinduna* and the *amadoda* talked of almost nothing else. They went over and over the details of the cases, and recalled former cases of a similar kind and compared the judgements given. They criticized each other sharply for the handling of cases, and such criticism was taken well on the whole, as a contribution to the process of interpreting and enforcing the law rather than as a personal affront. The attendance of the public at the court sessions was encouraged so long as they observed due decorum. When talking broke out among the onlookers, the *induna* in charge bellowed 'Silence' in a voice of thunder. If a group of women continued to chatter and giggle after the *induna* had called for silence, he told them to go home. The interest in courts and cases extended to the play of children and to the [857] conduct by the boys of their own affairs in the *laweni* or boys' dormitory. I often saw the young son of a chief or *induna* organizing his playmates into a court and allocating roles to them and in his play imitating the voice and gestures of his father.

631 622 645 [565]

Ngoni office-bearers

In Chapter II of Part I we stated that the main element in the Ngoni political system in the 1930's was a ruling aristocracy supported by a hierarchy of officials. In this chapter we shall first look at two texts, one by Cibambo on the northern kingdom and the other by a big *induna* in the central kingdom, explaining the relationship of the different office-bearers to the Paramount. We shall see how there were in effect two groups of office-bearers, one related to the territorial divisions of the kingdoms, and the other consisting of state or national officials and those connected with the royal village. There was no set of terms which could

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

woman, who was sometimes a younger sister or a junior father's daughter. This woman then became a linked co-wife (*nshanzi*)[7] subordinate to her barren sister. If the linked wife was also barren then the man could demand another one. The barren woman was never sent back to her own relatives but continued to live with her husband. Children of the linked wife were allocated to her and she became responsible for their upbringing. Similarly if a wife died before she had borne a child a linked co-wife replaced her.

If the man was sterile he used to arrange for a friend to sleep secretly with his wife so that she should conceive. The friend was rewarded with a beast after a child had been born but the reason for making the reward was kept secret. If a seedraiser was caught he was killed for committing adultery, despite the fact of his having been called in by the husband.[8]

As well as being fertile, wives were expected to be chaste. On this point the evidence is clear. Wiese states that adulterers were always killed;[9] all subsequent writers have agreed with him. I was told that if the woman's husband was not an important person he was sometimes placated with a present of cattle. If the husband persisted in referring the matter to the chief the senior lieutenants of the chief might intercede on his behalf, if this was the man's first offence. Otherwise the man and the woman were both killed by one of the senior lieutenants.

The approved mode of behaviour for women was chastity before marriage, submission in the choice of husband, and fertility and fidelity in marriage. These obligations were clear-cut and definite and of universal applicability. The obligations of affines towards one another were not so straightforward, and their fulfilment was a process marked by ritual transfers of cattle and carefully prescribed modes of behaviour. In particular the relationship of a man to his wife's mother was altered progressively from one of strict avoidance to openly expressed friendliness. The stages in the process represented the gradual acceptance of the man into the family of his wife's parents as a son-in-law, the father of their daughter's children.

Marriage was entered into without compulsion on either side, but the right to terminate it was held in the man's group alone. A woman could not on any ground secure a divorce. All my informants agreed on this point. A man could divorce his wife at any time by sending her back to her own kinsfolk, giving her a small present as an indication that he had divorced her. If he had offered bridewealth for her, her kinsfolk were under an obligation to provide him with a

[7] Read, in her 'Moral code', p. 18 translates this word (*nhlanzi*) as 'substitute'. Lancaster, 'Tentative chronology', p. 79, gives the word as *nshlanze*. Kuper, *An African Aristocracy*, p. 39 translates the Swazi word *inhlanti* as 'subordinate co-wife'. I have chosen the translation 'linked co-wife' as there are other kinds of subordinate co-wife who are not *nshanzi*, and some *nshanzi* are not substitutes.

[8] See below, p. 34.

[9] Wiese, op. cit. 'Expedicao . . .', p. 471, and 'Geschichte . . .', pp. 189-90.

3: Read E-5 (1935-1939) 1960
FR5 Ngoni FR5

in judgement on his own son, a young man of twenty-one, for committing adultery with the wife of a man of a former slave family. The husband brought the case against the chief's son, and the chief ordered the man to speak truly and not be afraid. The case was heard amid the most deathly silence. In awarding a heavy penalty of compensation against his son, the chief spoke of the central position of law in Ngoni life, and of the fact, so sharply brought out by the case, that the law was no respecter of persons.

Young adults, boys and girls, were held personally responsible for breaches of the law which they had commited. Penalties were awarded against them as individuals, even though they often could not pay the compensation without the help of their father and his family. They were expected to become acquainted with the law in various ways. One was by conformity to accepted social codes of behaviour, instilled into them by their elders, particularly in such matters as sex relations, respect for property, avoidance of slander and of injury by violence. Another way of learning how the law operated, as well as the principles upon which the case-law was built, was by attending the courts, and listening carefully to the cross-examinations as well as to the judgements. Young people were expected also to ask their fathers, and elders generally, about points of law which they had not understood, or had confused with some of the practices of the local people. The onus was upon young adults for acquiring this knowledge of the law as well as for behaving in accordance with it. We shall see in the next chapter how the Ngoni regarded being law-abiding as one of their basic cultural traits, as well as being evidence of the individual character of a young adult.

Ngoni traditional skills

We made a distinction, albeit a rather tentative one, at the beginning of this chapter between certain kinds of traditional knowledge which we have been describing up to this

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

The Native

courts themselves have been influenced by the introduction of Christian rites, and in matters of divorce have been subject to pressure from the missions.

4. The punishment of adultery

The Administration prevented Ngoni from killing adulterers. Instead they changed adultery into a private delict, without specifying what damages could be awarded. Indeed the whole position of indigenous tribunals was equivocal until 1929, when the Native Courts Ordinance was passed. Until then no specific courts were recognized other than those presided over by White officers of the Administration. At the same time the Administration expected chiefs and others to maintain law and order and formally listed their duties in these terms. The chiefs had therefore to extemporize and administer traditional law as best they could. Since 1929 Native Courts have been recognized and the Administration has in the main supported the decisions reached in these courts. The law as administered now is certainly not the same as it was before 1898 and the differences are not merely the substitution of 'civilized' penalties for those 'repugnant to natural justice and morality'. Nor is the law identical with English or Roman-Dutch law. The law of adultery and divorce is adapted to a situation in which bridewealth is rarely paid, wives are left deserted for years by their husbands, and the custody of children is uncertain and dependent on the agreement of the children themselves.

5. Labour migration

Labour migration began in 1898 and since then there has been a continual flow of men and women seeking work in the mining towns of Southern Rhodesia and on the railway line of Northern Rhodesia. The constant absence of men away at work leaving their wives behind has made for a preponderance of women over men in the rural area and has led to more adultery and to the emergence of pleas for divorce on ground of desertion. The increasing number of wives who accompany or follow their husbands had enlarged the social field within which the marriage relationship operates so that a quarrel between a man and his wife in town may be referred for resolution to kinsmen many hundreds of miles away in the village. Men marry fresh wives in the towns and bring them home years later with many children. Two people living in villages may trace their relationship to each other through some half-forgotten migrant in the towns.

In 'the time of peace' marriage was a process by which an established social structure was maintained and developed. That structure has gone and Ngoni now live in a world of larger scale and greater social mobility. Marriage has become something by which local stability of relationship is maintained despite the fluidity of society as a whole. A man moves from village to village, from

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

has the money to do so. Sometimes a wife brings her husband to court seeking damages from him for cruelty without asking for a divorce. 586

The woman who pleads for divorce on the ground of desertion is usually the wife of a labour migrant. Her struggle is not with her husband himself but with her affines, his kinsfolk who try to protect his interests for him while he is away. We shall consider this type of situation in the next chapter, where we deal with the relationship between a woman and her husband's kin. Here it will suffice to say that provided the man has been away for about four years without writing the divorce is usually granted.

Actions for adultery are always liable to turn into divorce cases, and the amount of damages awarded depends on whether or not a divorce is granted. If adultery is proved, and it is easier to prove than to disprove it, the woman and her lover each pay 30s. to the husband and 5s. fine to the court. If the woman is divorced on the ground of the adultery, the damages are increased to £3 each to the husband and 10s. each to the court. In court the woman is usually asked 'Which man do you love?' and if she selects her lover, the divorce is granted. Sometimes the husband protests that he wants his wife back, but if the court is persuaded that to send the woman back would only lead to more trouble, they will divorce the woman despite the protests of the husband. 684 586

When divorce is granted the legalization payment, if it has been made, should be returned. The court does not, however, make any definite order on this point unless called upon to do so by the man or his relatives, and it seems that in the absence of definite instructions to hand over the money, it is retained by the woman's relatives. This is particularly true when the divorce is on the ground of the man's desertion when it is likely that his interests will be poorly represented by his relatives. 586 583

If the husband has brought his wife to court in order to divorce her on some ground other than adultery, the court may merely tell the couple that they are divorced, without awarding damages to either party. But the law on this point appears to be changing, and the rule followed in one court is not always followed in another. Even in the same court the decisions given at one time may conflict with those given at another. If the court decides that the woman is at fault she may be ordered to pay £3 damages to her husband. If the man is at fault then, more rarely, the man is ordered to pay £3 damages to his wife. Occasionally, although the fault is held to lie with the man, the woman is ordered to pay £3 damages to secure her divorce. The factors influencing these decisions appear to be the readiness of any particular court to listen to the pleas of a woman, and its opinion of the character of the woman. A woman who is regarded as foolish, or given to quarrelling over nothing, or promiscuous, is sometimes ordered to pay damages to her husband 586 692 562

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

unless he has paid bridewealth, the children will go to her relatives, whatever the cause of the divorce and whichever party is at fault. He can then offer bridewealth to secure custody of the children at the same time as he loses the services of his wife.

Bridewealth to-day is almost entirely concerned with the custody of children of the marriage and does not affect the rights of a man in his wife. These rights are determined by a payment which probably did not exist in the old marriage system and which we may call the legalization payment.[17] This payment is now the most important in marriage and is the only one recorded on the printed marriage certificates issued by the Administration through the Native Authorities. The Ngoni believe that the word has been taken from the Cewa, although the Cewa use the word differently. A law was made in about 1944 by the Ngoni chiefs fixing the amount of the legalization payment at a minimum of thirty shillings. Prior to this edict smaller amounts were more usual. The way in which the magnitude of the payment has varied through time can be seen from Table VII. Some people do not follow the law and pay less than thirty shillings; the majority pay the legal amount, in some areas thirty-five shillings is more usual, and recently a few fathers have successfully demanded much higher sums, up to £10, for their daughters. The edict implied that at least thirty shillings should be offered in every marriage, but marriages have been and still are being contracted without any legalization payment, as can be seen from Table VIII. However, from this table it appears that in the last twelve years legalization payments have been offered in a greater proportion of marriages than previously.

The most important right established by this payment is that to damages in the event of adultery. If a man has made the legalization payment he is sure that when his wife commits adultery the court will order both the woman and her lover to pay him damages. Adultery suits are the commonest heard in court and the legalization payment clearly establishes the fact that the man and woman are married in the eyes of the law. If the first payment a man makes is bridewealth, the legalization payment falls away, and he gains the exclusive right of sexual access to his wife without any further payment. In this respect we can see a carry-over from the old system in which bridewealth followed after 'snuff-box', and adultery was punishable by death. Usually if bridewealth is paid in a subsisting marriage, it comes after the legalization payment and is additional to it. The one payment relates to the custody of the children, the other to the sexual services of the woman. We have noted that bridewealth can be offered on the occasion of divorce when perhaps no legalization payment has ever been made.

[17] *Cimalo.* Cf. Young, *Notes on the customs and folk-lore of the Tumbuka-Kamanga peoples*, p. 61; Coxhead, *The Native tribes of North-Eastern Rhodesia; their laws and customs* (Occasional Papers No. Five, Royal Anthropological Institute), p. 25; Barnes, op. cit. p. 227

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

apparent ease with which women get divorces and councillors say that they divorce people only because the Administration would interfere if they did not. We can see that in one sense the Ngoni analysis is correct. Whatever may be the precipitating causes of particular divorces, one basic factor is that the old social order in which divorce was rare has been replaced, through a series of events beginning with the White conquest, by a different form of social structure in which wives are relatively mobile from one husband to another. Adultery and desertion lead to divorce because it is no longer necessary to tie down the fertility of women to definite points in a segmentary system based on patrilineal descent, and this is so because the system no longer exists. It is true that the Roman Catholic and Anglican Missions do not recognize divorce but ecclesiastical ceremonies have no force in law, either in the eyes of the Administration or of the Native Courts, and the sanctions utilized by these missions do not entirely prevent their members seeking divorce.

Immediately after a divorce the couple usually wish to have little to do with one another. After the passage of years the hostility between them fades away and they may talk to one another in the ordinary course of village life. They continue to address each other as *husband* and *wife* and their children, although nominally in the custody of one group or the other continue to visit back and forth and keep the parents informed of each other's doings. A woman now married elsewhere may return to her former husband when their son comes home on leave from work. In her old age a woman may even go back to the man from whom she was divorced a long time ago if she has no one else to turn to for shelter and assistance. More frequently she follows her children to where they are living in her former husband's village but has little to do with him directly, only through their children.

8. Co-wives

We have seen that the rights of a man over his wife's sexual activities are different from hers over his. Whereas a woman who commits adultery pays damages to her husband, he does not pay her when he commits adultery. This lack of symmetry derives from the polygynous nature of the Ngoni marriage system. A man can always argue that he is seeking another wife, even if the woman he is running after is married to someone else. It is considered no business of his wife to interfere. She may attempt to stop him but all she can use are domestic and mystical sanctions, she cannot appeal to the law. Again, a wife has no right to the sexual monopoly of her husband and cannot prevent him from taking additional wives except by making his life with her so difficult that he decides to abandon the attempt.

As can be seen from Table III, about one man in seven has two or more wives. Although the Christian Missions do not tolerate

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

Village The Native Courts deal to a great extent with matrimonial matters, and are responsible for issuing marriage certificates. The Administration is concerned to see that marriage stability is maintained, that women are not denied justice in marriage disputes, and that adultery and prostitution do not flourish. The missions are interested in the maintenance of monogamy and the development of Christian marriage.

An unmarried individual is under the tutelage of the person who rears him. It is true that sometimes people say that children are responsible for their own actions before the court, and that truant schoolboys can be made to pay their fines themselves, but in practice it would be a harsh parent who denied help to his son in such a predicament. He has a legal right to refuse to accept responsibility for his child's actions, and public opinion would support a parent who washed his hands of a recalcitrant son who had given much trouble to his father for many years. A parent should however be very patient with his children, hoping that in the end after he has borne with their escapades they will become mature and wise. Where the child is in charge of another relative, such as a parent's sibling or a grandparent, the same attitude of adult towards child is expected. Some children live peaceably with their parents, and accept their direction in important affairs, while others move off of their own accord to more congenial kinsfolk or to earn their livelihood as best they can as juvenile labourers on the tobacco farms.

In relation to marriage this variable pattern of dependence and independence shows itself characteristically. Girls are on the whole more dependent on their parents than boys, yet some girls become economically independent and seek their own husbands a few years after puberty, while some men in their late twenties ask their parents to find wives for them. Between these two extremes the majority of the young population seek their own sexual partners but turn to their parents for assistance in arranging the marriage.

An unmarried girl depends on her kinsfolk for shelter and food, and it is they who take action on her behalf to protect her interests and to defend their own rights in her. If she is seduced and becomes pregnant her kinswomen find out from her the name of her lover. It is said that a girl will sometimes suggest the name of a lad whom she dislikes rather than reveal her true lover. Other people say that a girl will indicate the name of the man she wants to marry, whether or not he is the genitor of her child, in the hope that he will then marry her to avoid trouble. The girl's father, if he is available, takes the matter to court if he cannot get satisfaction from the alleged genitor, and it is to the father that the lover pays a beast[1] if he is found guilty. The child belongs to the girl's kin. The girl's parents may try to persuade the lover to marry their daughter if they think he will make her a good husband, but if he does not find favour in their eyes they remain hostile to him. We shall see later

[1] Called *cidumu*.

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

848 that if the lover is thought to be very desirable as a husband, the girl
684 and her parents will begin to act as though she had in fact been married by him. Few cases of seduction come before the courts, perhaps because of the fact that it is only pre-marital pregnancy that can lead to action in the court and not merely pre-marital copulation. If the lover agrees to marry the girl it is in the interests of her kin to let him do so, rather than take the matter to court when they may be awarded more damages but where also their daughter will appear as a foolish and indiscreet person. It is said that some girls hand on to their parents some of the presents they receive from their lovers, and that therefore the parents take no action against the lovers, but I have no information as to the extent of this practice.

The kin of a woman have therefore an interest in her sexual activities before she is married, and to a lesser extent a man's relatives have a similar interest. The main concern of a man, however, is that he shall not get himself into such serious trouble that he has to find the money for damages in the court and that he will not be forced to marry an unsuitable girl whom he has impregnated.

2. The marriages of children

581 At marriage itself a person's relatives may act on his or her behalf in choosing a spouse, and the factors that influence their choice are different from those which operate when people choose their own spouses. A man's relatives stress that the wife-to-be must be hardworking, polite to her superiors and not given to promiscuity. The fact that a girl begins to sleep with her lover may influence her lover's parents against her for they argue that if she sleeps so easily with their son she will soon tire of him and run off after someone else. They pay more attention to the character of her parents and siblings and look to see what sort of wives her sisters have made. Similarly the parents of the girl may look critically at the young man and they too argue that as he has already begun to sleep with their daughter he will soon begin running after other women and leave his wife 'alone in her hut'. If a relative of the girl has already married a relative of the man and that marriage has not been a success, their kinsfolk may try to prevent a second marriage.

Case history 4

Absolom, who works in South Africa, wrote to his brother saying he wanted to marry Mary. The brother, who was married to Mary's sister, approached Mary's father who said that he could not agree. Mary's father later said
[164] that he opposed the marriage as Absolom's brother had infected his wife with syphilis and he did not want another of his daughters to marry into that family.

584 If a man is away working he may write home and ask his father or some other relative to find a wife for him. A marriage arranged in this way does not necessarily find favour with the man when he finds out who his bride is to be, but a number of soldiers successfully

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

583 approval of his father before he offers, and as in the case of Amos and Eve (p. 28), the father may sometimes disapprove. If the man is from another part of the territory or from abroad the parents of
583 the woman, even if they accept the legalization payment, may be
603 reluctant to allow their grandchildren to go a long way away from them to live among their son-in-law's kin. This consideration applies
593 particularly to strangers in the township who marry Ngoni women. When they leave their jobs or retire they try to take their wives and children with them. They may be frustrated in the removal of their children by the woman's parents, who refuse the bridewealth. The courts support the claims of Ngoni grandparents for the retention of their grandchildren under these conditions and a returning Yao or Cipeta man may be forced to travel without his children and sometimes without his wife. I have recorded elsewhere [1] an incident in which a Yao man who had been married to an Ngoni woman for twenty-one years was divorced by her and his offer of bridewealth refused by her parents. The police who check the movements of women and children by bus and lorry away from Fort Jameson are in touch with the Native Courts and may be on the look out if it seems likely that a man from a strange tribe will attempt to smuggle his wife and children away from their Ngoni kin.

581 Thus we see that the kinsfolk are directly concerned with marriage. When the children are still toddlers, they are paired off in fun by their
[858] adult relatives as they sit playing. For a week or month or even longer a woman will laughingly call her neighbour *child's parent-in-law* because their children have been nominated *husband* and *wife* in this way. As a child grows older, so the interest of its relatives in its marriage become clearer. Before marriage the relatives of a
684 girl hold rights in her that are violated if she is seduced and bears
848 a child. It is to them that the girl's lover pays the beast of seduction to recompense them for the wrong he has done by impregnating the girl, but he does not gain custody of the child. On the other hand,
836 no one brings a case against a man merely because he sleeps with an unmarried girl. It is only when she becomes pregnant that an action can be laid against him. A man caught *in flagrante delicto* by one of the unmarried girl's kin can expect abuse and possibly blows but unless he is provocative he need not fear action in the courts. The hostility directed towards him seems to be due in part to his having behaved so indiscreetly as to be caught and having forced the girl's kin to take cognizance of what was happening.

At marriage the woman's kin grant rights in her sexual activities
581 to her husband. These rights are unambiguously transferred by the
583 legalization payment, and the woman's kin are therefore in a position to delay or facilitate the tranfser of these rights by their attitude towards the payment. There is no corresponding right in an unmarried man held by his kin, and at marriage there is no corres-

[1] Barnes, op. cit. p. 238

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

her husband's village, the occasion must be recognized in a more elaborate manner. Her husband or his relatives buy her a new cloth. Wearing this cloth she stands at the door of her husband's hut, and is undressed by her husband's grandmother. The old woman rubs castor oil on her abdomen and dresses her again. A small girl from her husband's kin goes with her to her own village, and their arrival there, with the woman dressed in her new cloth, indicates formally to her parents that she is pregnant. They stay at the woman's village for about a week, and then return to her husband's village.[14] Her parents have thus been made socially aware of her pregnancy, and the man can legitimately look to them for help if she becomes ill or fractious.

If the woman does die in childbirth, her husband has to offer a beast to her parents even though they were told of her pregnancy.[15] The husband may confess to adultery when called upon to do so by the midwife, but this does not absolve him from the obligation to pay the beast. Confession absolves him from the charge of having caused the death of his wife by his careless behaviour, but he must still recompense his parents-in-law for the death of their daughter. It is recognized that a woman may die in childbirth despite the absence of adultery during pregnancy or despite full confession of adultery by both the woman and her husband. She dies just because God lets her die, and not because of any human misconduct. Yet she reaches the situation in which there is the danger of death because of her position as the wife of her husband. It is the 'work' of married women to bear children, and it is the 'work' of the husband if his wife dies in childbirth to offer a beast to her parents so that they may mourn their daughter.

5. Quarrels

We see then that a woman is not severed utterly from her own group when she marries, but that her kinsfolk retain an interest in her welfare and have certain rights in her and in her husband. The recognition of these rights by their son-in-law increases his esteem in their eyes, and enables him to appeal to them with confidence when he needs their support. The common interest of all is in the successful maintenance of the marriage, and the mutual recognition of rights and fulfilment of obligations consolidate the social relationships established between people related by marriage. Quarrels threaten the continued existence of the marriage, and it is therefore in the common interest that they should be settled as expeditiously as possible. The intervention of affines in a personal quarrel between husband and wife is characteristic of a system in which most neighbours are kinsfolk and in which the spatial concentration of people into compact villages, where abuse shouted at one

[14] This ceremony is called *ngayi*, which means 'breast-cloth' in Nsenga.
[15] See above, pp. 39f.

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5 – Mpezeni

578 602 that he was drunk when he quarrelled with his wife and did not mean what he said, the woman may agree to return. If she is adamant, or if a serious issue such as cruelty or adultery is involved, a formal discussion is held in the village of one or the other. Relatives come from both sides and a man of senior status convenes the meeting.[16] Sometimes it may be agreed that the offending spouse must pay nominal damages to the other. The usual procedure is to offer a chicken to the other, but sometimes a few shillings are given instead. If agreement cannot be reached at a meeting like this, the matter can either be referred to the court, or else the issue of the quarrel may be left unresolved in the hope that at some later date a solution may be possible. While the initiative in holding a village meeting lies with the senior relatives of the [694] couple, the only people who can take the matter to the court are the couple themselves. A father may sometimes handle the formalities of laying a case against his son-in-law on his daughter's behalf but it would be difficult for him to do so without her co-operation, and, on the man's side, it is only he and not his father or brother who can effectively sue his wife.

The interests of the two groups of relatives are centred on the successful maintenance of the marriage. It is considered more important that people should live together in peace without quarrelling than that the exact rights of one side or the other, even where these rights can be defined precisely, should be upheld. [684] A man who commits adultery may be censured by his father, who will perhaps refuse to speak to his son if he thinks that the stability of his son's marriage is threatened, even though it is admitted that the man's wife has no legal right to object to her husband's adultery. When there has been a quarrel people do not rush to hold a village meeting since, by doing so, the existence of the quarrel is formally recognized and its seriousness increased. It is better if possible to get the couple to 'change their character', that is, to become reconciled to each other on their own account. Until the woman's sudden departure indicates to the world that they have quarrelled, relatives are reluctant to interfere between man and wife. People gossip about the quarrels of married couples, but even their close kinsmen will hedge and say that these affairs are not their responsibility if pressed for an opinion. The action of the wife in running away is the mechanism by which she begins her appeal to her relatives for support, and she carries it a stage further by refusing to accept her husband's apologies. Finally if the settlement proposed at the meeting is not acceptable she appeals to the court. Men do not run away to their kinsmen and do not rely on relatives to the same extent as do their wives. Yet a man can if he wishes

[192] [16] *Tanda.* This word is used of any formal meeting in a village to settle a quarrel, matrimonial or otherwise, before the issue is referred to the court. Cf. Nsenga *ku-tandala*, to talk or discuss.

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

People regret that
a faithful woman whose husband stays away many years does not bear children, but they do not condone infidelity. The prolonged absence of men which leads to this unsatisfactory situation is seen as part of the disruption of the old order by the coming of the Whites. It is they who are responsible, both for the lack of children in marriages where the woman is faithful and for the occurrence of adultery in marriages where she is not. The virtue of bearing children and the virtue of fidelity are values in conflict and the Ngoni see only one solution, the ending of labour migration. This conflict appears with particular force when a man goes away leaving his wife pregnant. This action is in itself hazardous, for the man will not be there at the time of birth to confess his adultery, yet men do go away knowing their wives are pregnant. If a live child is born, it must be protected by the rite of 'taking up the child'.[19] If this is neglected the child may die, and it is in the interests therefore of the man's relatives as well as the woman's that it should be performed. The only consistent line of action is to ensure that the medicines which can be used as a substitute for the rite are available to the woman. These medicines are expensive, and relatives may be reluctant to find the money for them, particularly as the whole procedure is under the ban of the missions. The only other solution is for the woman to take a lover with whom she performs the rite. If they are caught, the excuse that they were sleeping together merely for 'taking up the child' is not accepted. Here the same conflict and the same attitude are seen as when a woman has an impotent husband.[20] To achieve a desirable end the woman must commit adultery; but woe betide her if she is caught in the act.

There is an important difference between the way in which the kinsfolk act at the level of village discussion and their behaviour later when matters are referred to the court. In the village they are fairly free to act without reference to the absent husband. They can give advice and can attempt to enforce mutually agreed damage payments of chicken, acting in the light of their opinion of what is in their own interest and in the general interest of their kinsman. They cannot deal in this way with divorce or with large damages for adultery. These matters must be referred to the court and here much more deliberate attention is paid to the wishes of the absent man. If a case of adultery is brought by the man's kin, the court enquires about the wishes of the husband in the matter. The husband's kin must produce a letter from him authorizing them to proceed against his wife and he must say in the letter whether he wishes to divorce her or merely to claim damages for adultery. The case is usually adjourned for three to six months while this is done. A woman who pleads for divorce on the ground of her husband's desertion is similarly told to write to him informing him

[19] See above, pp. 45f.
[20] See above, p. 34.

that she intends to seek divorce if he does not reply. If the address of the migrant labourer is unknown to his relatives or to his wife, the court endeavours to trace him through the Administration. Thus the husband's kin usually try to prove in court that the woman is seeking divorce because she has another husband in view, and sometimes imply that she has been committing adultery with him. I heard one man oppose the plea for divorce presented by the wife of an absent kinsman by saying that he was sure the woman had been committing adultery but that he had been unable to catch her in the act. Let the court postpone the case until he had good evidence and then he would agree to the plea. The husband's relatives are more certain of £3 damages if they can prove adultery, and the money is paid to them on behalf of the absent man. For her part the woman usually denies that she has any thought of remarriage. She arrives in court in her oldest and shabbiest clothes, to demonstrate both her husband's failure to clothe her and her own lack of desire to attract other men.

The general principle that no court action involving the husband's sexual rights can be taken without his consent applies even to cases of incest. It may be well known that a woman is living incestuously with, say, her father, but the husband's relatives cannot take her to court without the permission of the husband. Many husbands, on hearing from their relatives that their wives are committing adultery or are pregnant by other men, prefer to let the matter stand over until their return to the village which may be several years hence. Thus one woman may have been sleeping with her father for many years, and another have a growing brood of adulterine children, before at last they are brought to court by their returned husbands.

Even when a man and his wife are both living in the towns, their relatives may be called upon to settle differences between them. In one instance that came to my notice, a man and his wife both from the same village were living together in Lusaka. The woman had a still-birth and her husband went to a diviner to discover who was responsible for this. He was told by the diviner that his wife had been bewitched by his father's brother's son, who was also in Lusaka. The man wrote home to the village to complain. A meeting was held attended by important people in the village, and it was decided to write back and tell the two men that they must not be so foolish as to quarrel in this way. Not all men who go away remain in such close touch with the village but there is a great deal of correspondence back and forth, and this is augmented by the news brought by friends who come home. The intervention in a marital quarrel in the towns is one aspect of the way in which the field of social relations held in common by rural villagers stretches out to include kinsmen and former neighbours working many hundreds of miles away. Men who fall sick in Southern Rhodesia are fetched and escorted home, fathers go on holiday to visit their

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

easily. Paramount Chief Mpezeni III, in a Christmas broadcast in 1948, addressed to Ngoni workers in the towns, said

> Think not that I divorce your wives merely when they come to court. I do so when I see you send no money or clothes or you stay away for more than five years, not writing or sending anything to your families. I do this when they come to see me, both she and your parents. You do no good to your families by forgetting them all when you are in a strange country.

The grounds on which divorce is granted are more or less the same in the court and the village, but although the court, like the village assembly, thinks of itself as being primarily concerned with 'teaching people to live well together', it is also, unlike the village, concerned with reinforcing the power of the Native Authority bureaucracy and upholding the authority of the chiefs. Hence the court gives greater weight to the formalities of marriage and the theoretical rights inhering in the different payments. The chiefs, councillors, assessors, clerks, and police who make up the court are all men, whereas in the village meeting old and important women give their views and they are listened to with attention. My impression is that women are less favoured in the courts than they are in the village.

The law that the legalization payment shall be not less than thirty shillings was agreed to at a meeting of chiefs and their supporters in about 1944. Informants said that the law was introduced so that women as well as men could be punished for their adultery. It was argued that in a marriage in which no bridewealth had been paid, and only a few shillings as the legalization payment, the woman's kin could not in equity be called upon to pay damages on her behalf to her husband when she committed adultery. Adultery was thought to have increased, and women were as much to blame as men. By making the legalization payment a considerable amount, equal at the time to two months wages, it became possible to punish the woman in the same way as her lover. As we have seen, not everyone keeps this law, and women are married with a smaller amount as legalization payment, or with no payment at all. It is held by some people that a marriage certificate will not be issued unless at least thirty shillings legalization payment has been handed over, but in fact it is still possible to get a certificate when some smaller sum has been paid. In the light of developments in other tribes of the Eastern Province, it seems likely that before long thirty shillings legalization payment will become necessary before a certificate can be obtained.

One copy of the certificate is given to the man and another to the woman. With the help of her certificate, and of letters from her husband showing he is calling her to join him, a woman can get a pass from the court allowing her to buy a ticket on the bus going to the railway line or to Nyasaland. These certificates have therefore considerable value, and one woman's pass may be used by another.

7: Hodgson G-5 (1926) 1933 FR5 Ngoni

842 otherwise *mdulo* of the child will still result. Medicine is taken also by women who are unable to conceive. If it fails, it is because a spirit has entered the womb; and lots are taken to find whose spirit it is, after which sacrifices are offered until the desired result is obtained.

8. *Dissolution of Marriage* (*Chewa*).

586 The Achewa have no form of legal separation by agreement, and a divorce can be effected only where adequate reason exists. A husband may not divorce his wife on account of barrenness; but he may divorce her for adultery or desertion; or if she persistently neglects to cook food, bring water or perform her other work; or if she is offensively and perpetually jealous. A wife may divorce her husband if he is impotent; or if he fails to maintain a habitable house, or to do his share of the work; or if he fails to pay her tax, feed and clothe her properly; or on account of desertion or ill-treatment. Effect is given to the divorce after the hearing of the case by the husband handing over a fowl or other token, always known as *mubvi*[1] (an arrow), in the presence of the *nakhoswe*,[2] to the wife's father, who passes it on to her *mtsibweni*.[3] The wife always keeps the children, even if she has been at fault; though sometimes in very flagrant cases one or more fully-grown children may be awarded to the husband; and in adultery the co-respondent is obliged to pay heavy damages as compensation for the loss of the children, and the value of several years' tax is refunded by the *mtsibweni*. A woman may not be divorced while she is pregnant.

[684]

9. *Marriage of Widows* (*Chewa*).

587 A widow may not be courted until after the conclusion of the funeral ceremonies described in Section VII. When, a few months later, she has to make her choice, she brews beer at her own house, and on the evening of the *tsiku losakumbula* her suitors, friends and relations foregather outside; the eldest female relation holds before her pieces of *tsekwa*[4] grass, and tells her which of the suitors each piece represents. Then she signifies her choice by taking the appropriate piece in her hand; and the old woman proceeds to the house of the chosen one, selects therefrom a knife or other small article, and hands it to the widow. In due course the bridegroom, accompanied by his friends, brings a cow, sheep, goat or fowl, according to his means, and ties it to the centre post of the widow's house, in order to get rid of the spirit of her late husband; otherwise, he will not be able to beget a child. The widow brings out beer; her relations subsequently remove the animal from the centre post, and at night the bridal pair sleep apart in the house. Next day they procure medicine from a doctor and put it in a big pot in the house; and in the evening first the man and then the woman bathes in it. That night they again abstain from conjugal intercourse; but at cockcrow, after bathing a second time in the pot, they take it outside the village to a place where two paths meet, and break it there, thus finally and completely ridding themselves of the spirit of the first husband. They return to the village before it is light, and then commence their married life.

[775] [842]

[1] Cf. H. S. Stannus, *Journ. Roy. Anthrop. Inst.*, 1910, vol. xl, p. 309.
[2] *Tsekwa*, a long coarse grass used for thatching.

7: Hodgson G-5 (1926) 1933 FR5 Ngoni FR5
Maravi FR4

12. *Customary Licence* (*Ngoni*).

N 836 [183] [684] [583]

Pre-marital intercourse was strictly forbidden, but it is now the general practice, though disapproved of by the elders. While rarely claimed, it is still possible for a father to obtain damages from a man who is proved to have had connexion with his young unmarried daughter; and the bride-price is reduced when it is known that a girl has been playing fast and loose as a regular habit.

13. *Dissolution of Marriage* (*Ngoni*).

N 586 [595]

Connubial disputes are decided at the husband's village. A wife may not be divorced on account of barrenness; but in such a case her father gives the husband a younger sister without further *mabeka*, or arranges with a friend or relation to give his daughter in return for a smaller bride-price.

When a divorce has been granted, it is made effective by the husband's *akhonse* taking the wife home and handing her back to her father. If there are no children, the bride-price is returned, together with the *mabeka*, *kutenders* and other presents made before marriage. Presents made by husband to wife after marriage are considered to be the woman's own property, and she takes them with her. If there are several children, the husband keeps them, and his father-in-law retains the bride-price. If there is only one child, and the bride-price was large, the husband keeps the child and also receives back a portion of the bride-price, the guiding principle being a fair division. When the father is absent and is entitled to the children, his relations take charge of them. But even though the father may be given legal ownership, neither Angoni nor Achewa ever take small children away from their mother, with whom they must remain "until they are able to understand," the father being allowed meanwhile to visit them from time to time.

M [586]

III.—Domestic Life: Filial.

1. *Infancy*.

M 845

Among the Achewa, twins were never killed. After being washed in medicine, they were taken with a present of a goat to the chief, who thereupon gave them their names. Until that was done, the chief could not visit their village. At night one twin sleeps on each side of the mother, who lies on her back. If one of them dies young, it is buried with a fruit of the "sausage tree" (*Kigelia pinnata*), so that it may not be lonely. Formerly, twin girls married the same man at the same time, and twin brothers married their first wives at the same time.

[582]

M 429

Guardianship of a child is always vested in the father until initiation, when it passes to the *mtsibweni*, and on his death to the mother's other brothers, and then to the mother's sons.

N 429 593

Among the Angoni, the father is always guardian, with the modification that after marriage a girl must obey her husband before all others. When the father is dead, the father's brothers succeed according to age, then the father's sons in order, and then the sons of the father's brothers in their order.

10: Barnes E-5 (1946-1949) 1959
FR5 Ngoni FR5
Mpezeni

charged by him with specific functions relating to the State as a whole, and appear to have exercised general jurisdiction. Other lieutenants were known as the lieutenants of such-and-such a royal village, and were appointed by Mpezeni to look after the queens of the village and to be responsible for the internal ordering of the village.

In addition to these lieutenants each important person had a deputy,[1] who was a patrilineal kinsman of the same generation. Each new holder of the principal office selected his own deputy. The deputy's task was to act for his principal in his absence and to serve as an intermediary between the principal and his lieutenants.

All these posts were hereditary in the agnatic line, except for that of deputy, but new posts were continually being created and the holders of other posts fell into disgrace. Some of the lieutenants of Mpezeni were also headmen of their own villages, while other lieutenants were promoted to be regional governors.

Increase in population led to increase in the number of villages and of recognizable divisions within villages, both by divisional fission and by the setting up of separate establishments for groups of wives. This process, operating in response to population pressure from below, was assisted from above by the need to give newly created lieutenants and governors their own dependants and their own recognizable residential cluster.

The relative position and importance of a segment of the political structure might alter if its leader was killed in battle or if he offended the Paramount. For example, a certain lieutenant who had a village of his own committed adultery with one of Mpezeni's queens. He was put to death, and all his followers were made to come and live in a royal village. But in addition to the natural increase in the population of any segment, new members were added by capture in war. There was never any distinct class of slaves or captives in the Ngoni State. Apart from the aristocratic families which traced their history back to the pre-migration period in Natal, the rest of the tribe had been either captured at one time or other on the way north, or had joined the Ngoni of their own volition. On capture, people were assigned to some or other important person, and after a while acquired a certain autonomy of their own. The men were all enrolled into the age-set regiment appropriate to their age, and it was possible for them to rise to high positions in the State. No distinction of ethnic origin was

[1] *Mfanwa*, pl. *anawa*. Cf. the Zulu term *umnawa*, younger brother who is next to the heir.

10: Barnes E-5 (1946-1949) 1959
FR5 Ngoni FR5
Mpezeni

586 and inform her that she is divorced. If the wife has committed adultery,
586 the husband can take the case to court. If the adultery is proved he is
684 usually awarded £3 damages against his wife and £3 against the co-respondent, and the woman is divorced. On the other hand, a woman can seek a divorce in the courts on the grounds of desertion or cruelty. The court will award a divorce if the desertion or cruelty is proved, but may also rule that the woman must pay £3 to her husband's family.

If a man does not wish to divorce his adulterous wife, the court will award him damages of £1. 10*s*. against his wife and £1. 10*s*. against the co-respondent. In adultery cases in which a divorce is granted the damages awarded against the woman are often met by the co-respondent, who then marries the woman, but where there is no divorce the woman will appeal to her father or brothers to help her pay her husband.

If a woman runs away from her husband there is nothing that the husband can do to force her back, and if methods of conciliation fail, he has little hope of redress, except in cases of seduction or abduction. If the woman refuses to rejoin her husband the court may award damages against her, but such a marriage usually ends in adultery on the part of the woman and a divorce on that ground.

586 It has been observed by District Officers that divorce is not so
593 frequent among the Ngoni as compared with their Cewa neighbours. Nevertheless, divorce must be considered as a frequent occurrence among the Ngoni, and is so regarded by the people themselves. There is a maxim that a man ought to rely on his brothers, not on his wife, and one informant remarked: 'Never trust your wife; perhaps tomorrow you will divorce her.'

The Wife's Mother

606 The tensions between the two groups linked by a marriage find their most formal expression in the attitude prescribed for a man to his wife's mother. While a woman can speak to her parents-in-law and enter their house, a man cannot do so. In his contacts with his father-in-law he must be quiet and reserved, and although face-to-face contact is not considered shocking, it should be as rare as possible. But a man must go out of his way to avoid his mother-in-law, and this injunction is in the main observed in practice. The avoidance is usually phrased in terms of a prohibition on the entry into the hut of the mother-in-law. A man who has to pass by this hut will normally go round the back of it.

10: Barnes E-5 (1946-1949) 1959
FR5 Ngoni FR5
Mpezeni

Grandparents

603 Children on weaning are often sent to their grandmothers to be brought up. The payments made in the marriage do not seem to influence either the choice of grandmother or whether or not the child stays with its parents. A child is sometimes sent to an old woman not its grandmother but related in some other way who lives in the same or a nearby village and who already has a brood of children to look after. This separation from the parents may occur whether the grandmother lives in the same or in a different village from the parents. Grandparents, and in particular that grandmother by whom a child was brought up, become confidants in later life. It is to her husband's grandparents that a wife complains if her husband does not fulfil his sexual obligations, while it is through the bride's grandparents that the groom should approach her parents when arranging the marriage.
[606] The husband must avoid his wife's mother, but his wife's mother's mother and his wife's father's mother can sit on the same side of the house as he does, as though they were themselves married to him. When he is drunk a man can fondle the breasts of his grandmother, whereas to attempt to do this to his mother would be regarded as shocking.

593 While it is the grandmothers who intervene in the beginning of a
691 matrimonial quarrel when the dispute is still an affair of the village, it
578 is the parents of the couple, or if the parents are dead or senile the brothers, who will go to court to support them when the dispute has moved to the judicial zone of activity. Women seeking divorce on
[586] grounds of desertion get their fathers to speak in their favour, while the absentee husband, who may be lost in Southern Rhodesia, will be represented by his father or his brother. Occasionally a father may give his support to his daughter-in-law rather than to his son if the son has annoyed his father as well as his wife.

593 Outsiders cannot intervene in the disputes within a family, although
571 they may be called in to give their support to one side or the other.
578 In particular the family of a man will not themselves take the initiative in bringing an action against his wife, however strongly they may rally to his support in a dispute where the initiative is taken by the wife's people. This principle applies even in cases of incest. For example, a
[684] woman whose husband was away in Southern Rhodesia slept with her father. The husband's brothers wrote to Southern Rhodesia to tell him what was happening, but as in his reply he did not instruct them to take proceedings in the matter, nothing more was done about it.

Ili Lancaster G-5 (ca. 1935) 1937 FR5 Ngoni FR5

159 In 1828 Zongendaba, who had met with Mzilikazi near the border of Portuguese
161 East Africa, fought him over a petty disagreement, which it is alleged was a dog fight.
173 Mzilikazi beat Zongendaba, who moved on into Portuguese East Africa between the
578 Limpopo and the Sabi Rivers and united himself with Manukusa; this was the year of
643 Tshaka's assassination. In 1831 we find Manukusa and Zongendaba midway between
648 the Limpopo and Zambesi Rivers.

In the year 1833, in which Manukusa attacked the Portuguese and drove them out of Espirito Santo (Lourenco Marques), Manukusa and Zongendaba disagreed and a fight took place, after which Zongendaba and his following, accompanied by Mhlabawadabuka, a brother of Manukusa, continued the migration north.

In the following year, 1834, on the border of what is now S. Rhodesia, Zongendaba broke with Mhlabawadabuka and proceeded in a north-westerly direction, where at the Ingwe-Kwizi River he met the Ba-Lozi or Ba-Nyai, whom he destroyed; their chief, Mambo, was killed, some thirty miles from the battlefield at Intaba-Zi-Ka-Mambo.

[805] In November of the year 1835, at the time of an eclipse, a passage was found across the Ukwembo River (Zambesi) at Manyerere on the south bank, nearly opposite Zumbo on the north bank in Portuguese East Africa. At the crossing a dispute arose between Zongendaba and an induna, Ngabi Maseko, who with a small following remained on the south bank and, it is stated, crossed over the following year near Tete.

Zongendaba, after crossing, halted for a period whilst his impis looted the surrounding country; his camp was built at Mkoko. About 1839 a movement in an easterly direction was made, it is said, by Gwaze Tole, who was a brother-in-law to Zongendaba and his
[645] Chief Councillor, because, acting on Zongendaba's instructions, he had put to death one
[684] of Zongendaba's wives for infidelity; Zongendaba followed. The direction was changed, after passing to the west of the present Fort Jameson, to a more northerly one passing the head-waters of the Bua River en route.

In 1840 at Chulu, Mbelwa or Mombera was born, son of Zongendaba by his wife Umnene. Thence on to the Rukuru Valley.

In 1842 Zongendaba arrived in the Fipa country, and the next two years were spent in raiding the surrounding country of the Sukuma and Maafwa.

In 1845 Zongendaba died. It is stated that he had never seen or been seen by a
159 European, that he was fierce with his soldiers and his wives who, on the least excuse, he put
173 to death, that he was very kind and considerate to his captives, and that he listened to
643 two men only, Gwaza Tole and Njekwano. He died at Mapupu in the Fipa country
[766] and was buried in a black ox skin near the Nyinaluzi River. On his death bed he gave
[428] his assegai to his eldest son and heir (by his Great Wife, Sosera), Ntutu Mpezeni, who was then in his twentieth year.

159 (2) Loziwawa Nqumayo was the wife of Zongendaba—"The Great Wife, Inkosikazi".
173 She was born before the accession of Tshaka, about the year 1800, in the tribal area near
562 St. Lucia Bay. She was Zongendaba's "great chosen wife" and died during the great

11:Lancaster G-5 (ca. 1935) 1937 FR5 Ngoni FR5

(8) Mguzhulu Mphanza ; one of the indunas of the Ziolomba Regiment. Crossed over the Zambesi in 1835. No further particulars known. 159 173

(9) Ntabeni Kumalo ; half brother of Zongendaba. Father, Hlatshwayo ; mother, unknown ; wife, Uthuvi. Regiment, Ziolomba. Died and was buried in Ufipa Country in 1846. [701]

(10) Mafu Kumalo ; elder brother of Hlatshwayo. Father, Mangangati. Killed in action prior to arrival at the Zambesi.

(11) Hlatshwayo Kumalo, the son of Mangangati of the Kumalo clan ; married Mqusamache Nzima. He had three brothers, Mafu, Gumete and Mphange. He was the father of Zongendaba, Ntabeni, Somfula, Mgai and Lomapela. [614]

I have been unable to ascertain if he took part in the Great Migration. My information leads me to the conclusion that he was dead before Tshaka vanquished the Ama-Ndwandwe.

(12) Mtwalu Jere : born before the Crossing of the Zambesi, about 1833 ? Father, Zongendaba ; mother, Nqutu Nzima ; wife, Magodise ; sons, Amon Jere, and Yohane Jere. Regiment, Manyoka Masoko. Refused the chieftainship because he stated that his father's, Chief Zongendaba's, last wishes had not been carried out. There is no truth in the statement that he was unfitted to hold the chieftainship through physical defects. Died in Nyasaland (Angoni Land), 1890. [643]

(13) Mombera Jere (Mbelwa) ; born at Chulu on the way to Fipa, 1840. Mother, Umnene Nzima, a Swazi ; father, Zongendaba ; half-sister, Mphangela ; blood sister, Lomagazi, who it is stated by some was born before the Zambesi was crossed ; son, Chimtunga, whose mother was cast off because of adultery. Chimtunga's appointment was not recognised by his grandfather's indunas. Died in 1891, Angoni Land, Nyasaland. [684] [643]

(14) Mperembe Jere. Not born north side of the Zambesi River ; it is stated his mother did not cross the Zambesi in 1835. 159 173

Mperembe went into the Awemba Country after the break up of the tribe, but appears to have crossed back eastwards over the Loangwa River and joined Mombera and Mtwalu about 1868/9, after being badly beaten by the Chitimukulu. 693

It is known in the Mpezeni country that he captured Chanda mukulu, sister of Chitimukulu, whom he brought back with him and married at Mtelela village near the Malowi River, that he had one son by her named Chinombo, and that after the Ngoni rebellion Chanda mukulu was returned to her own country ; she resided on the Mackera River for some years. She had slits in her ears so large that one could put one's hand through them. [583] [304]

My informant, Sayeye Phiri, who was born at Kasitu, was caught by Mombera's people at Kanyenda, Kotakota, and made a slave ; she knew Mombera and Chanda mukulu well. She is well over seventy and resides in the Fort Jameson Location. Mperembe Jere appears to have been a disgruntled and bloodthirsty despot and to have had no interests other than bloodthirsty raids and the joys of his harem. He [115] [567] [152]

13:Fraser M-5 (ca. 1890) 1901
FR5 Ngoni FR5

down at the chief's feet, and with a shout dashed up again and danced a furious war dance. His eyes fixed and staring with passion, every muscle distended, he stabbed into the air with his spear, tossed the dust of the kraal about, and leapt hither and thither in a frenzy of passion. All the while he kept shouting his battle-cry, and the thousands of fighting men around beat their spears and chanted a chorus. When he had exhausted himself, another headman leapt into the circle and went through his own peculiar wild dance, and then another and another, and for half-an-hour or more these fantastic exhibitions were maintained. Then the chief rose. A great roar of salutation greeted him. Gathering his clothes about him he walked in procession from the kraal, and the council broke up.

In the olden days the power of the chiefs was maintained by a wholesome dread of his warriors, and the laws were enforced with a consistent severity. One result of this is that the Ngoni tribe has always had a higher standard of morality than any Central Africa people. Some persons were stealing mission cattle and complaints were made to the chief. After a time a thief was caught, and then in spite of the pleadings of the missionary the highest penalty was meted out to him. He was hanged on a tree opposite the mission house, and it was forbidden to remove his body. The hyenas wore a path round the foot of the tree trying to get at the carcase, and there he hung, a terrible example to the neighbourhood, until the white ants ate the rope by which he hung, and the body fell to the waiting hyenas.

I have seen a chief receive news of the adultery of one of his wives, turn to his executioner, and give him instructions, and in a few minutes both man and woman were lying dead outside the village. I have myself begged for the life of a woman who had sinned, and she was spared only after a great fine in cattle was levied instead.

These were harsh and terrible punishments, necessary for rough times. And now when the chief is loosing some of his old authority, and dare not exercise capital punishment because of the overshadowing British Government, one fears that except where the power of religion has taken the place of the old dread, a weaker morality is apt to sap the vitality of the tribe. The punishments were not arbitrary. They were fixed by precedent. And all the past quarrels for forty or fifty years back would be quoted to prove the right of a plaintiff or defender. And now